

Report of	Meeting	Date
Chief Executive	Council	21 July 2015

ADOPTION OF THE CHORLEY LOCAL PLAN 2012-2026

PURPOSE OF REPORT

1. To inform Members of the contents of the Inspector's Partial Report (Oct 2013) and the more recent Inspector's Supplementary Report on the Examination into the Chorley Local Plan 2012 -2026 on the Gypsy and Traveller and Travelling Showpeople Policy and Site Allocation and
2. To formally adopt the Chorley Local Plan 2012 -2026.

RECOMMENDATION(S)

3. It is recommended that the Council:
 - a) accept the Inspectors modifications in relation to Gypsy and Traveller and Travelling Showpeople issues and vary the Chorley Local Plan 2012-26 accordingly.
 - b) approve the amended Chorley Local Plan 2012 -2026 as attached at Appendix 1 for adoption

REASONS

4. Failure to adopt the Local Plan will mean the Council can only place limited weight on it when considering planning applications and could leave decisions made, where the unadopted Local Plan has been a consideration, vulnerable to challenge. Indeed, if the Council fail to adopt the Local Plan the Planning Inspectorate may direct the Council to withdraw the document in its entirety meaning no weight can be placed on it at all.

EXECUTIVE SUMMARY OF REPORT

5. In October 2013 the Local Plan Inspector produced a Partial Report on the Chorley Local Plan 2012-26. This concluded that, with a number of modifications, the Local Plan satisfied legal requirements and met the criteria for soundness in the National Planning Policy Framework (the Framework) in all regards, except for its provision for Gypsies and Travellers. The Chorley Local Plan 2012-26 was updated in accordance with the Inspector's suggested modifications and approved by Executive Cabinet on 21st Nov 2013. Executive Cabinet accepted the Inspector's modifications and endorsed the Local Plan for development management purposes. "It could not be adopted until the Traveller issues were resolved, however it has since been a significant material consideration for Development Management purposes in the determination of planning applications.
6. The Local Plan Inspector's Supplementary Report on Gypsy and Traveller and Travelling Showpeople (8 May 2015) has now been issued (formally released to the Council on 11 May 2015) and it concludes that the part of the Chorley Local Plan dealing with Gypsy and Traveller and Travelling Showpeople policy and site allocation, is also sound, providing a number of main modifications are made.

7. These main modifications are highlighted in this Council report and have been incorporated into a revised Chorley Local Plan 2012-26 document Appendix 1. They include a policy on Gypsy and Traveller and Travelling Showpeople and allocation for a minimum of 5 permanent gypsy and traveller pitches within the mixed use allocation HS1.5/EP1.6 Cowling Farm.
8. As the Chorley Local Plan 2012-26 is now considered sound in its entirety it can be adopted which will afford it full weight in the determination of planning applications.
9. The adopted Local Plan, the Adoption Statement and Sustainability Appraisal reports will be placed on the Council's website and made available to view at the Civic Offices, Union Street and at local libraries and post offices in villages without a library during normal opening hours. All those persons who asked to be notified of the adoption of the Chorley Local Plan will be sent a copy of the adoption statement.

Confidential report Please bold as appropriate	Yes	No
--	-----	----

CORPORATE PRIORITIES

10. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all	X	A strong local economy	X
Clean, safe and healthy communities	X	An ambitious council that does more to meet the needs of residents and the local area	X

BACKGROUND

11. The purpose of the Local Plan is to determine specific sites for development or protection in accordance with the policies and general locations for development as set out in the Central Lancashire Core Strategy (adopted 2012). To meet Chorley's development needs to 2026, it identifies local issues and includes policies to either protect sites or guide the way they are developed, ensuring that where development takes place there is proper provision of necessary community facilities, infrastructure, landscaping and open space and affordable housing.

CHORLEY LOCAL PLAN 2012-26 – INSPECTOR'S PARTIAL REPORT (OCT 2013)

12. The Chorley Local Plan 2012-26 was submitted to the Inspectorate in December 2012. The Council also submitted a number of supporting documents including a summary of the main issues raised at Publication stage consultation. The Inspector, Dr Shelagh Bussey, identified a number of 'main matters' she wished to explore at the Independent Examination, which was held at Chorley Town Hall from 23rd April 2013 for a two week period.
13. The Inspector was tasked with considering the 'soundness' of the Local Plan based on criteria set out in the Framework. The soundness criteria are:
 - *Positively prepared* (based on a strategy which seeks to meet objectively assessed development and infrastructure requirements)
 - *Justified* (the most appropriate strategy which considered against the reasonable alternatives, and based on proportionate evidence)
 - *Effective* (deliverable over its period and based on effective joint working on cross-boundary strategic priorities); and
 - *Consistent with national policy.*

14. During the Examination Hearings the Inspector identified further 'matters arising' from each session and asked the Council and representors/objectors to respond accordingly.
15. At the end of the hearings the Inspector informed the Council that she was not satisfied that the issue of Gypsies and Travellers and Travelling Showpeople was adequately supported by an up-to-date assessment, as required by the Framework. She concluded that the appropriate action to make the Plan sound in this respect was to undertake a new study and reconvene the hearing sessions of the Plan in order to consider its findings.
16. In respect of all other matters she suggested a number of changes that she considered were required in order to make the Plan 'sound'. These were consulted on for an 8 week period in July/August 2013.
17. Following receipt and consideration of these responses the Inspector issued a Partial Report for fact checking. She then issued a final Partial Report on her findings into the soundness of the Plan on all matters other than those relating to Travellers and Travelling Showpeople (dated 25th October 2013). The Chorley Local Plan 2012-26 could not be adopted until the traveller and travelling showpeople issue has been heard at a reconvened Examination hearing session which took place on 23 September 2014. However because of the very advanced stage in the examination process that the main modifications reached, significant weight has since been attached for Development Management purposes to all policies and proposals of the Plan that were amended accordingly.

Inspector's Main Modifications

18. The Inspector suggested a number of changes that she considered necessary in order to make the Plan 'sound'. These included:

Housing Land Supply

19. The Council did not include an allowance for slippage or for windfall sites (sites that come forward over the plan period that have not yet been identified) in the submitted Local Plan. However, during the examination hearings the Inspector suggested that the Council take account of slippage, suggesting initially that an allowance of up to 20% would normally be considered. She also suggested that a windfall allowance could be included. Further evidence was submitted and based upon this evidence the Inspector accepted that the following is appropriate in the Chorley context:
 - A slippage rate of 5% on large allocated housing sites
 - A slippage rate of 20% on the small non-allocated existing housing commitments (sites that have planning permission, but which have not been allocated)
 - A windfall allowance of 451 dwellings over the plan period
20. The Council proposed to allocate some additional housing land to meet the requirement figures. The additional housing land proposed mainly reflected permissions granted since the examination hearing.
 - Additional land at HS1.31 Land East of Wigan Road, Clayton-le-Woods was allocated to reflect planning permission granted for housing on the site and by reducing the employment land allocation from 20ha to 15ha.
 - The allocation HS1.43C Land of Moss Lane, Whittle-le-Woods to include a parcel of land to the south.
 - Allocation HS1.2 Carr Lane (former Vertex Site) was extended to allocate land originally proposed for employment for housing to accord with the approved planning application.
 - Allocation HS1.50 Carrington Centre, Eccleston was extended to accord with the approved planning application.
 - Allocation HS1.33 Discover Leisure was extended to include 2ha of land previously allocated for employment, reflecting the approved planning permission.
 - Additional site HS1.53 Little Quarries, Whittle-le-Woods was allocated to reflect the approved planning permission.

- In addition, updates were made to housing numbers in Policy HS1: Housing Site Allocations to reflect planning consents.

21. The Inspector accepted the Council's position with regard to the sites that were subject to higher levels of objection and they remained allocated for housing. These sites include:
- HS1.8 Botany Bay/Great Knowley
 - HS1.24 Land adjacent to Bolton Road, Adlington
 - HS1.29 Westwood Road, Clayton Brook/Green
 - HS1.31 Land to the East of Wigan Road, Clayton-le-Woods
 - HS1.39 Land at Sylvester's Farm, Euxton
 - HS1.40 Land at End of Dunrobin Drive, Euxton
 - HS1.42 Land at Greenside, Euxton
 - HS1.43A Land West of Lucas Lane, Whittle-le-Woods
22. A number of alternative sites were put forward and discussed at the Examination Hearings, such as:
- Babylon Lane, Adlington
 - Park Hall/Camelot, Charnock Richard
 - To the rear of New Street, Mawdesley
 - Gorse Lane, Mawdesley

However, the Inspector accepted the Council's position that these sites were not needed to deliver the housing requirement and has not recommended that they be allocated.

23. In terms of Park Hall/Camelot, the Inspector did not propose its allocation for housing, but stated that as it is a previously developed site, it could come forward as a windfall site in the Green Belt, provided that any proposal for its redevelopment satisfied other relevant policies of the Plan, including policy BNE3.5, and the Framework. Following the Inspector's recommendation, the allocation was extended to include an additional field to the north. This resulted in an increase of 5ha, from 20.2ha to 25.2ha.
24. In addition Policy HS2: Phasing of Housing Development was amended to make it more 'flexible' and highlight that the schedule is purely indicative only. This was considered necessary as its approach reflected an outdated plan, manage and monitor approach to planning policy and not the positive approach of the Framework that seeks to boost significantly the supply of housing.

Employment Land Supply

25. In accordance with the above housing changes a number of changes are proposed to Policy EP1: Employment Site Allocations.
- EP1.4 - Carr Lane (Vertex Site), Chorley was deleted from Policy EP1 to accord with the approved planning application for housing.
 - The amount of employment land allocated at Land East of Wigan Road, Clayton-le-Woods (EP1.15) was reduced from 20ha to 15ha.
 - EP1.16 Discover Leisure, Coppull was changed to a housing allocation to reflect the planning permission.

Other Main Modifications

26. There were a number of other main changes that the Inspector considered to be required in order to make the Plan 'sound'. These included:
- The inclusion of an amended version of the Core Strategy model policy in the Local Plan. Core Strategy Policy MP clarifies the operational relationship between it and national policy. Local Plan Policy V1 will seek to ensure a presumption in favour of sustainable development at Chorley district level.
 - The inclusion of a biodiversity policy that relates to ecological networks and the hierarchy of designated biological sites and update and expand the existing text relating to biodiversity and nature conservation.

- The Inspector considered that there was a lack of evidence to support the proposed 400 metre exclusion zone relating to A5 uses in Policy EP7 criterion b) (Change MMEC39). This results in amendments to paragraphs 8.22 and 8.23 to remove reference to a 400m exclusion zone around primary schools, secondary schools and sixth form colleges following the deletion of Policy HW8: Hot Food Takeaways (Change MMEC53). In view of the removal of Policy HW8: Hot Food Takeaways the Council will commence a review of the Access to Healthy Food SPD and will decide whether to either revoke the document entirely in relation to Chorley Borough or modify the document in line with the feedback from the Local Plan EIP.

27. The Local Plan was amended in accordance with the Inspector's Main Modifications and it was endorsed by Executive Cabinet on 21st November 2013. It could not be adopted until the Traveller issues were resolved, however it has since been a significant material consideration for Development Management purposes in the determination of planning applications.

THE CHORLEY LOCAL PLAN 2012-2026 – GYPSY AND TRAVELLERS AND TRAVELLING SHOWPEOPLE AND SITE ALLOCATION

28. In order to progress the Gypsy and Traveller and Travelling Showpeople issue, Arc4 was commissioned by the Central Lancashire Authorities (Chorley Council, Preston City and South Ribble Borough Council) in July 2013 to undertake a Central Lancashire Gypsy and Traveller Accommodation Assessment in order to determine the need for any additional pitch and plot provision in the area.

29. The Study (January 2014) identified a need for 5 permanent pitches for Travellers in Chorley Borough, 15 in Preston, none in South Ribble and a Central Lancashire wide need for 15 transit pitches to 2026

30. The Secretary of State appointed Inspector Susan Heywood to hold the Examination into the soundness of the part of the Local Plan which proposes a Gypsy and Traveller and Travelling Showpeople policy and site allocation

31. The Council consulted on the Gypsy and Traveller and Travelling Showpeople Preferred Options document which included a draft policy and a number of additional supporting documents in June 2014. The Preferred Options Document explored the merits of 9 potential sites for the provision of a minimum of 5 permanent Gypsy and Traveller pitches and its preferred location was land at Cowling Farm, Chorley. The Council also invited comments on a proposed new Local Plan policy to cover this issue – Policy HS11 – Gypsy and Traveller and Travelling Showpeople.

32. The results of the consultation informed a revised document (Gypsy and Traveller and Travelling Showpeople Proposed Allocation, September 2014 – CH12.9) within which the Council proposed land at Cowling Farm as a Local Plan allocation. This document and the supporting documents were approved by Council on 4th September 2014 and forwarded to the Local Plan Inspector Susan Heywood. A further hearing session was held on 23 September 2014 to discuss matters and issues relating to the identification of a site for the allocation of Gypsy and Traveller pitches.

33. Following this hearing the Local Plan Inspector Susan Heywood asked the Council to consult on a revised Schedule of Proposed Modifications (October 2014). This included amendments to the wording of proposed new Local Plan Policy HS11 which named Cowling Farm as the proposed allocation for the provision of a minimum of five permanent Traveller pitches and the identification of this proposed allocation on the Policies Map. This consultation ran from 20th October to 3rd December 2014.

34. However, the Inspector wrote to the Council advising that the consultation should be run again. Whilst the Inspector agreed that consultation should take place on the Schedule of

Proposed Modifications, in her view the text of the consultation letter limited the effect of the process as it did not invite comment on the background documents to the modifications including the Proposed Allocations document. In accordance with the Inspectors advice, an 8 week re-consultation was undertaken from 12th December 2014 to Friday 6th February 2015.

35. The Inspector issued a Note on 3rd March 2015 that some of the consultation responses raised concern that the Preferred Options and Proposed Allocations documents were not translated into other languages and requested comments on this point having regard to the Statement of Community Involvement and the Council's 'Pledge to Involve'. The Council responded to the Inspector's Note on 9th March 2015 demonstrating how the Council overcame this concern.
36. The Inspector issued Letter Number 7 on 9th March 2016 requesting that the Council update the Local Development Scheme because it is out of date in respect of the progression of the Plan. The Inspector also asked the Council to indicate whether the timetable for the preparation of the separate Gypsy and Traveller and Travelling Showpeople Accommodation Local Plan was being met and to prepare and submit an updated timeframe as an Appendix to the updated Local Development Scheme. The Council prepared an updated Local Development Scheme and updated the timetable on 9 March 2015 as requested by the Inspector.
37. The Inspector issued the Supplementary Report for fact checking and the Final Supplementary Report (8 May 2015) was formally released to the Council on 11 May 2015 and placed on the Council's website.

THE INSPECTOR'S SUPPLEMENTARY REPORT

38. The Inspector's Supplementary Report concludes that this part of the Chorley Local Plan, dealing with gypsy and traveller policy and site provision, is sound providing a number of main modifications are made. All of the main modifications to address this were proposed by the Council and the Inspector has recommended their inclusion after considering the representations from other parties on these issues. The Inspector concludes that with the recommended main modifications this part of the Chorley Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.
39. The Main Modifications can be summarised as follows:
 - Insertion of paragraphs explaining the need for gypsy and traveller pitches in accordance with the updated GTAA and the requirement to carry out further work on the GTAA;
 - Inclusion of a policy making provision for a minimum of 5 permanent gypsy and traveller pitches within the mixed use allocation HS1.5/EP1.6 Cowling Farm;
 - Addition to the Key Indicators and Targets table to ensure progress on a separate Gypsy and Traveller and Travelling Showpeople Accommodation Local Plan, in accordance with the timescale in the updated LDS; and
 - Providing for the updating of the Policies Map to include allocation of site HS11 within the mixed use allocation HS1.5/EP1.6 Cowling Farm, Chorley for a minimum of 5 permanent gypsy and traveller pitches.
40. **Consultation:** The Inspector has had regard to the results of all of the public consultations undertaken in respect of this part of the Local Plan in coming to her conclusions. The Inspector considered the perception that there has been inadequate engagement with the settled population but concluded "the Council's approach has been reasonable in the circumstances in order to rectify an issue which would otherwise have rendered the entire Plan unsound". In relation to criticism that has been made that the documents were not translated into other languages, the Inspector concluded "there is no evidence that anyone has been prejudiced by this. The Council's policy is to translate on request and no such request was received [CH1.19.12]. Given the number of responses to the proposed allocation and the involvement of Council Members in the consultation, if this had been an

issue likely to have disadvantaged some sections of the population, it is likely that this would have been drawn to the Council's attention".

- 41 The Inspector states "Overall, I am satisfied that the Council has given adequate opportunity for local people to become involved in the Local Plan process and to express their views in accordance with the Council's Statement of Community Involvement [CHSD006 and its update CH19.13, CH12.13, CH15.1]. I conclude that consultation has been compliant with the Statement of Community Involvement and has met the minimum requirements of the Town and Country Planning (Local Plans) (England) Regulations 2012".
- 42 **Assessment of Duty to Cooperate:** Section 20(5)(c) of the 2004 Act requires the Inspector to consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation (in relation to the gypsy and traveller matters only). The Inspector concluded "that the Duty to Co-operate in respect of the gypsy and traveller policy and site allocation has been met". The Inspector has stated "The Council are engaging, actively and on an ongoing basis, to produce an updated Gypsy and Traveller Accommodation Assessment. They have joint working arrangements in place with Preston and South Ribble Councils to facilitate this and a draft Gypsy and Traveller Accommodation Assessment has been produced. The Council have prepared a Duty to Co-operate Supplement [CH12.12] which indicates that the Council have engaged with other nearby local authorities on the issue of gypsy and traveller needs assessment and site provision".
43. The Inspector has considered that some nearby local authorities initially raised concerns regarding the regional distribution of pitches and the lack of gypsy and traveller site provision in Chorley in the Plan as originally submitted. However, the Inspector states that "those local authorities have subsequently indicated that they intend to meet the need for sites arising within their own local authority boundaries. Plans for these and other nearby authorities are at various stages of the plan preparation process. The Council are proposing to undertake further work on the draft Gypsy and Traveller Accommodation Assessment, jointly with Preston and South Ribble, in order to assess whether there is an additional level of need for pitches in Chorley. Their updated Local Development Scheme [CH19.14] sets out a timetable for the production of a separate gypsy and traveller plan. The Duty to Co-operate Supplement sets out the processes which are in place to ensure regular and ongoing engagement on this matter with surrounding authorities".
44. **Assessment of Soundness:** The Inspector has concluded "the site allocation is consistent with national policy having regard to the aim in the Planning policy for traveller site (PPTS) of increasing the number of traveller sites, addressing under provision and maintaining an appropriate level of supply. The allocation is based on adequate Sustainability Appraisal and consideration of alternative options. The most appropriate option has been identified having regard to a number of factors which are set out in relevant documents. The fact that there may be other sites which could be allocated for this use does not make this allocation unsound. I conclude that the chosen site has been satisfactorily justified having regard to the alternatives. This part of the Plan, subject to the identified main modifications, is positively prepared, justified, effective and consistent with national planning policy and is therefore sound".
- 45 **Overview of Soundness:** The Inspector states "The Framework requires authorities to use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing. Planning Policy for Traveller Sites (PPTS) also requires local planning authorities to use a robust, up-to-date evidence base to establish accommodation needs for gypsies and travellers. The 2014 GTAA found that there was a need for 5 permanent gypsy and traveller pitches in Chorley during the lifetime of the Local Plan. Nevertheless, there remain a number of issues of concern with the updated Gypsy and Traveller Accommodation Assessment and further work is required in order to ensure that it provides a robust assessment of need. The Council have committed to carrying out the necessary further work. However, in an attempt to avoid significant delay to

the adoption of the Plan, and to ensure its soundness, the Council suggested a modification (MMEC66A) to incorporate this commitment into the Plan and to produce a separate Gypsy and Traveller and Travelling Showpeople Accommodation Local Plan (GTTS LP) within a specified timeframe. A further modification (MMEC67A) introduces a policy (HS11) allocating a site in the current Plan [Chorley Local Plan 2012-2026] to meet the identified need for a minimum of 5 permanent pitches as part of a mixed use allocation HS1.5/EP1.6, at Cowling Farm, Chorley. This site was originally allocated for housing and employment purposes in the Plan and that allocation was found sound in the partial report in October 2013 (paragraph 67). Proposed modification (MMMEC18A) provides for the updating of the Policies Map to include the allocation of the site for a minimum of 5 permanent gypsy and traveller pitches within the mixed use allocation HS1.5/EP1.6 Cowling Farm”.

46. The Inspector states “The Council are now seeking to meet the level of need identified in the most up-to-date assessment. This will ensure that the Plan is positively prepared, justified and compliant with the Framework and Planning policy for traveller sites. The further work to be carried out towards producing a separate Gypsy and Traveller and Travelling Showpeople Accommodation Local Plan will also ensure that any further need for gypsy and traveller accommodation, and any identified need for transit and travelling showpeople sites, is robustly assessed. This will also ensure that provision of any further sites is addressed through the preparation of a specific and separate plan. The Local Development Scheme [CH19.14] has been updated to include a reasonable timeframe for undertaking the further work on the Gypsy and Traveller Accommodation Assessment and preparing the Gypsy and Traveller and Travelling Showpeople Local Plan. A further modification (MMEC68) is proposed to the monitoring framework of the Local Plan to ensure that the timeframe in the Local Development Scheme is adhered to. The suggested modifications, as amended, are necessary to ensure that the Plan is sound”.

Main issue: Is the allocated gypsy and traveller site at Cowling Farm justified, deliverable within the plan period and consistent with national policy?

47. The Inspector states that “All of the potential gypsy and traveller sites, identified in the Preferred Options document [CH12.1], have been subject to Sustainability Appraisal. The Sustainability Appraisal criteria were in line with those used for the allocation of all of the other sites in the Plan [CH18.6]. There has been criticism that the process of site selection has not been transparent and that the Sustainability Appraisal process has been flawed as a result. The Council prepared a Sustainability Appraisal Supplement [CH12.2] at the Preferred Options stage. This identified the potential sites and gave them a band rating. This document referred to other factors taken into consideration in assessing the suitability of sites as set out in the Preferred Options document. A further Sustainability Appraisal Supplement [CH12.10] was prepared at Proposed Allocation stage which again indicated that further factors affecting the choice of site were set out in the Proposed Allocation document [CH12.9]. The Government’s Planning Practice Guidance states that the Sustainability Appraisal should outline the reasons the alternatives were selected, the reasons the rejected options were not taken forward and the reasons for selecting the preferred approach in light of the alternatives. Taken together, the aforementioned documents satisfy the requirements set out in the Planning Practice Guidance”.
48. The Inspector states "Concern was raised that the Sustainability Appraisal criteria should have been weighted towards those aspects which were more important for the allocation of gypsy and traveller pitches, as identified in the updated Gypsy and Traveller Accommodation Assessment. The Council have had regard to this information, as evidenced in documents CH12.1 and CH12.9. However, the Gypsy and Traveller Accommodation Assessment questionnaire did not ask the gypsy and traveller community what factors were important to them; it simply asked them to rank a number of pre-suggested alternatives. This cannot therefore be taken to be a definitive list of the factors which should be taken into account. Furthermore, excluding some of the Sustainability Appraisal criteria would involve making assumptions that would preclude the gypsy and traveller population from having access to

facilities which would be available to the settled population. This would be contrary to the aims of Planning policy for traveller sites to ensure fair and equal treatment for travellers”.

- 49 The Inspector states “The Sustainability Appraisal was only one of the factors taken into account in the choice of site. A number of other factors were considered. This was in line with the process undertaken for other sites in the Local Plan [CH18.6] and this process has previously been found sound by Inspector Bussey”.
- 50 The Inspector states “The Council had regard to the matters identified in Planning policy for traveller sites as being important considerations for gypsy and traveller policies. Cowling Farm does not perform as well as some of the other suggested sites in relation to some of the matters set out in Planning policy for traveller sites. For example, other sites are closer to a GP surgery and the frequency of public transport is not as good here as elsewhere. However, the site is located within Chorley which is identified as a Key Service Centre in the Core Strategy and is therefore deemed to be one of the most sustainable locations for development. The site has also previously been found to be a sound allocation for housing. The site has been Sustainability Appraisal assessed as falling within Band B sustainability rating, with the most sustainable being Band A. However, all of the alternative sites within Chorley were also rated Band B, with each site performing differently against different Sustainability Appraisal and Planning policy for traveller sites criteria. The Council have also had regard to the criteria set out in Core Strategy Policy 8, with which the proposed site allocation would comply”.
- 51 The Inspector states “The Council have ruled out sites within the Green Belt. Planning policy for traveller sites would allow the making of an “exceptional limited alteration” to the Green Belt boundary in order to allow the allocation of a site to meet a specific identified need. However, there are available sites outside the Green Belt which are capable of accommodating the allocation. As such, I do not consider that the case for such an “exceptional” alteration has been made. Ruling out sites in the Green Belt is in line with the Government’s aim to protect Green Belt land from inappropriate development, most recently expressed in its Press Release and amendment to the Planning Practice Guidance in October 2014”.
- 52 The Inspector states “A number of the alternative sites are more constrained, urbanised sites than the identified site at Cowling Farm. These have been discounted for various reasons set out in CH12.9. In addition to the reasons set out by the Council, it would be necessary on some of the sites for the pitches to be sited in close proximity to existing residential properties. This has the potential to result in a significant level of conflict and animosity and make integration of the communities problematic. Whilst I recognise that there is a significant level of opposition from the settled community to the identified site at Cowling Farm, there is more scope in this case for the location of the pitches to be managed having regard to the proximity to existing residential properties. The allocation also forms part of a larger site allocation for housing and employment uses which is to be taken forward by the development of a Masterplan. This approach would allow for further community involvement in the development of the location of the pitches [CH18.6]. This is a more pragmatic approach than introducing pitches onto smaller sites where they would inevitably be in very close proximity to existing properties. Accordingly, the discounting of the alternative sites is based on adequate and reasonable justification”.
- 53 The Inspector states “Concern has been expressed that the employment and housing elements of the mixed use allocation would be blighted by the proposed allocation of gypsy pitches. However, the myths and stereotypes which may have fuelled some of the existing concern can often dissipate once families are settled on a site and become integrated into the community. In relation to the employment use, this concern has been expressed by commercial property agents, amongst others. However, there is nothing to suggest that this is based on anything other than conjecture and fear. There is no evidence to indicate that the allocation of a small (0.4ha) part of the 9.5ha site would result in the blighting of the remaining land or harm the existing business uses. The Masterplanning process can be used to engage with existing

business occupiers and ensure that the detailed development of the allocation has regard to their needs”.

- 54 The Inspector states “Representors question the need for one site of this size rather than a larger number of smaller sites. However, advice in the Government’s publication *Designing Gypsy and Traveller Sites: Good Practice Guide* indicates that a site of up to 15 pitches is the optimal size to provide a comfortable environment which is also easy to manage. The proposed allocation has had regard to the needs of the existing gypsy and traveller community, in accordance with Planning policy for traveller sites, who have expressed a preference for a site of this size to accommodate an extended family. This would reflect the intention of Planning policy for traveller sites to facilitate the gypsy way of life which often involves living in extended family groups. There will be a need for suitable attenuation between employment uses and the gypsy pitches, but there is no evidence that this could not be adequately incorporated on a site of the size proposed”.
- 55 The Inspector states “There is a Grade II listed building, Cowling Farm, to the south west of the allocated site. The Council prepared heritage impact assessments for each of the alternative sites and English Heritage has confirmed its broad acceptance of the conclusions for each site [CH12.9, CH15.1]. The Masterplan process will provide the opportunity to develop the detailed siting of pitches, dwellings and employment premises and their proximity to the listed building. This will ensure that suitable regard is had to the setting of the building. There is no evidence to indicate that this constraint could not be overcome and I am mindful of the existing designation of the site for housing and employment use which would also have the potential to impact on the setting of the listed building. The proposed allocation would be no different in that regard. The proximity of the listed building to the allocated site would not make the allocation unsound”.
- 56 The Inspector states “Lancashire County Council raises no concerns about traffic generation from the mixed use site. There is no evidence to suggest that there is a need for detailed traffic implications to be known before the gypsy and traveller pitches can be planned in detail. Lancashire County Council confirms that a satisfactory access for the mixed use site could be provided from Moorland Gate. Alternative options were considered through the Spinners car park and through the Green Belt to the south. Both of these alternatives would have difficulties which would be likely to raise deliverability issues. However, as there is a suitable option available, these issues would not render the proposed allocation unsound”.
- 57 The Inspector states “The Council have ruled out some alternative sites that were put forward during the ‘call for sites’ by landowners, developers and members of the public on the basis that they are not in the Council’s ownership. Alternative sites put forward by the gypsy and traveller community were discounted for a number of reasons; many are in the Green Belt, in alternative use or have planning permission for alternative uses. In addition, these latter sites appear to have been identified on the basis of their desirability to the gypsy and traveller community rather than their availability. The choice of a site within the Council’s ownership and control will ensure that the site is deliverable and I consider this to be a sensible and pragmatic solution”
- 58 The Inspector states “The estimated cost of funding pitches on Cowling Farm is the greatest when compared to the alternative site options, due to the need for a longer access road [CH12.9]. The Council have approached the Homes and Communities Agency for funding, although this would be subject to a bidding process [CH18.6]. In any case the Council have confirmed, in its Committee Report dated 4th September 2014 [CH12.14] and Minutes dated 23rd September 2014 [CH12.15], that it will be able to fund the development and there is no evidence to the contrary. It is therefore reasonable to conclude that the site is likely to be deliverable. The fact that it would be the most expensive option does not make the allocation unsound”.
- 59 The Inspector states “Given the need for a Masterplan to be prepared, it seems unlikely that pitches could be provided on the site prior to the expiration of the existing temporary planning

permission at Hut Lane. However, that is a matter for the Council to resolve separately, it does not affect the soundness of this allocation. There is nothing to suggest that the site could not be delivered within the first five years of the Plan, as required by Planning policy for traveller sites”.

- 60 The Inspector states “Concerns have been expressed that a greater number of pitches may be developed on this site in the future. This will be a matter for consideration at a future point in time. At present, the 2014 Gypsy and Traveller Accommodation Assessment suggests a need for 5 pitches and this allocation is seeking to provide for that identified need. Whether there is a need for further pitches, and the location of any such pitches, is a matter to be determined through the separate Gypsy and Traveller and Travelling Showpeople Local Plan”.
- 61 **Assessment of Legal Compliance:** The Inspector concludes that this part of the Plan meets all the legal requirements as shown in the below table.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Chorley Local Plan is identified within the approved LDS [CH4.37]. This has been amended to incorporate the revised timescale following suspension of the examination and further work into the allocation of a site for gypsy and traveller pitches. The LDS sets out an expected adoption date of June 2015 [CH19.14]. That part of the Local Plan which is covered by this supplementary report is compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in October 2006 [CHSD006] and updated in September 2014 [CH19.13] and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed ‘main modification’ changes (MM)
Sustainability Appraisal (SA)	SA has been carried out for this part of the Plan and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations Supplement [CH12.11] sets out why further AA is not necessary. Natural England is satisfied with this approach.
National Policy	That part of the Local Plan which is covered by this supplementary report complies with national policy except where indicated and modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
Public Sector Equality Duty (PSED)	That part of the Local Plan which is covered by this supplementary report complies with the Duty.
2004 Act (as amended) and 2012 Regulations.	That part of the Local Plan which is covered by this supplementary report complies with the Act and the Regulations.

ADOPTION OF THE CHORLEY LOCAL PLAN 2012 – 2026

- 62 The Chorley Local Plan will replace the ‘saved’ policies of the 2003 Chorley Local Plan Review. The Local Plan as attached with track changes at Appendix 1 includes the Main Modifications in respect of Gypsy and Traveller and Travelling Showpeople issues. Officers have also made minor factual corrections to the Local Plan which includes updates and corrections to spelling/grammar. In accordance with Section 23 of the 2004 Act (as amended) it can now be formally adopted.
- 63 The Policies Map and Inset Maps have been amended to reflect the Main Modifications. Officers have also made corrections to the Policies Map and Inset Maps (a total of 12 Maps) in respect of incorrect designations on the key panel. All the maps can be viewed on the Council’s website at the Examination News page <http://chorley.gov.uk/Pages/AtoZ/Examination-news.aspx> and a set of the maps has been placed in the Members Room.

NEXT STEPS

- 64 The Chorley Local Plan has a start date of 2012 and was updated in respect of all matters other than Gypsy and Traveller issues in November 2013 in order to accord with the Inspector's suggested modifications at the time. This latest version includes those main modifications proposed in respect of Gypsy and Traveller matters. It is now considered 'sound' and can be formally adopted.
- 65 Once adopted it will have full weight in the consideration of planning applications. Local plan policies are also considered in the context of other material considerations which include any changes to and new national government guidance.
- 66 The Local Plan will continue to be monitored annually in the Council's Annual Monitoring Report and policies will be revised and updated/amended as is considered appropriate/necessary and reported to the Local Development Framework Working Group and relevant Committees.
- 67 The adopted Chorley Local Plan, the Adoption Statement and Sustainability Appraisal reports will be placed on the Council's website. These documents can also be viewed at the Civic Offices, Union Street and at local libraries and post offices in villages without a library (paper copies) during normal opening hours. All those persons who asked to be notified of the adoption of the Chorley Local Plan will be sent a copy of the adoption statement. A copy of the adoption statement will also be sent to the Secretary of State.
- 68 Any person aggrieved by the adoption of the Chorley Local Plan may make an application to the High Court under Section 113 of the Planning and Compulsory Purchase Act 2004 on the grounds that:
- o the document is not within the appropriate power;
 - o a procedural requirement has not been complied with.
- Any such application should be made promptly and in any event no later than six weeks after the date of adoption of the Local Plan i.e. no later than 1 September 2015

IMPLICATIONS OF REPORT

- 69 This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

70. The adoption of the plan at this stage has no direct financial implications. Sites master planning and development costs will be subject to the normal approval process through the Council's policy making and budget cycles.

COMMENTS OF THE MONITORING OFFICER

71. Following the issuing of the Inspectors final decision the Council are now in a position to adopt the Local Plan. The Council have complied with procedural requirements and other legal implications are addressed in the body of the report.

GARY HALL
CHIEF EXECUTIVE

Background Papers			
Document	Date	File	Place of Inspection
Inspector's Partial Report into Chorley Local Plan 2012-2026	October 2003		..\..\Inspectors Partial Report\Chorley Local Plan Inspector's Partial Report Final WEB Version.pdf
Chorley Local Plan 2012-2026 Executive Cabinet Report	21 November 2013	Refer to Agenda Item 10 (pages 65 – 152)	..\..\Inspectors Partial Report\FINAL Public reports pack 21st-Nov-2013 18.00 Executive Cabinet.pdf
Gypsy and Traveller and Travelling Showpeople Proposed Allocation	September 2014 [CH12.9]		http://chorley.gov.uk/Documents/Planning/Examination%20news/CH12%209%20Proposed%20Allocation%20Document%200Sept%202014%20(Track%20Changes).pdf
Examination News pages for all documents and communication with the Local Plan Inspector			http://chorley.gov.uk/Pages/AtoZ/Examination-news.aspx

Report Author	Ext	Date	Doc ID
Planning Policy	5281	25 June 2015	***